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EXAMINER

RIES, LAURIE ANNE

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2176

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/622,047
Filing Date: July 16, 2003
Appellant(s): SAMBHUS ET AL.

MAILED

FEB 05 2007

Technology Center 2100

Robert P. Lord
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1 November 2006 appealing from the
Office action mailed 1 May 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

2002/0107891 A1

LEAMON

8-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-29 are rejected under 35 U.S.C. 102(e) as being anticipated by

Leamon et al. (hereinafter "Leamon"), US 2002/0107891 A1 provisional filed 2/6/2001.

Regarding independent claim 1, Leamon discloses receiving content from a plurality of channels in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029]. The plurality of channels comprising both rendering providers and non-rendering providers ([0019]-[0021]; Leamon discloses the content may be displayed on a client in a predictable and uniform format regardless of the type of user device that requests the information. Leamon further discloses the rendering engine operates on pre-formatted information into a display format compatible with a particular client. The Examiner concludes this concept is identical to the rendering and non-rendering concept as described in the current invention). Leamon discloses aggregating the content from the channels using an aggregator, the aggregator configured to process the content using a first markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029]. Leamon discloses processing the aggregated content using a rendering engine, the rendering engine configured to output the aggregated content in a second markup language tailored for a client device and outputting the aggregated content in the second markup language to the client device in fig. 2, 4-7, and paragraphs [0019]-

[0021] and [0025]-[0029]. Leamon specifically discloses a portal which can aggregate information sources in fig. 2, 6, and paragraphs [0021] and [0028].

Regarding dependent claim 2, Leamon discloses wherein the first markup language is a standardized markup language such as abstract markup language in fig. 2 and paragraphs [0019]-[0021]. Leamon discloses that standard languages may be

Regarding dependent claim 3, Leamon discloses wherein the second markup language is a device specific markup language in accordance with the requirements of the client device in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Regarding dependent claim 4, Leamon discloses wherein the content received from the plurality of channels includes standardized markup language based pages such as abstract markup language based pages in fig. 2 and paragraphs [0019]-[0021].

Regarding dependent claim 5, Leamon discloses wherein the content received from a plurality of channels includes content in the second markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029]. Leamon discloses that the content providers can provide proprietary content and therefore proprietary content in the second markup language would not require translation to the second markup language.

Regarding independent claims 6, 14, and 22, Leamon discloses providing a first channel having content in a first markup language, wherein the first channel is a rendering provider and providing a second channel having content in the first markup language, wherein the second channel is a non-rendering provider, in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029]. Leamon discloses aggregating the first channel content with the second channel content to form a first document in the first

markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Leamon discloses post-processing the first document to form a second document in a second markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Leamon specifically discloses a portal which can aggregate information sources in fig. 2, 6, and paragraphs [0021] and [0028].

Regarding dependent claims 7, 15, and 23, Leamon discloses wherein the first channel is a rendering channel and second channel is a non-rendering channel paragraphs [0019]-[0021] and [0025]-[0029] Leamon discloses the content may be displayed on a client in a predictable and uniform format regardless of the type of user device that requests the information. Leamon further discloses the rendering engine operates on pre-formatted information into a display format compatible with a particular client. The Examiner concludes this concept is identical to the rendering and non-rendering concept as described in the current invention).

Regarding dependent claims 8, 16, and 24, Leamon discloses wherein the second channel has content in the second markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029]. Leamon discloses that the content providers can provide proprietary content and therefore proprietary content in the second markup language would not require translation to the second markup language.

Regarding dependent claims 9, 17, and 25, Leamon discloses wherein the post-processing includes transforming a document from the first channel in a first markup language into a document returned to the first channel in the second markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Regarding dependent claims 10, 18, and 26, Leamon discloses wherein the first markup language includes a generic type of markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Regarding dependent claims 11, 19, and 27, Leamon discloses wherein the generic markup language is a standard markup language such as abstract markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Regarding dependent claims 12, 20, and 28, Leamon discloses wherein the second markup language includes a device-specific markup language in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

Regarding dependent claims 13, 21, and 29, Leamon discloses wherein the post-processing includes using a rendering engine in fig. 2, 4-7, and paragraphs [0019]-[0021] and [0025]-[0029].

(10) Response to Argument

Appellant argues on Pages 8-10 of the Brief that Leamon fails to expressly or inherently disclose a non-rendering provider. The Office respectfully disagrees. Leamon discloses that independent content providers maintain several forms of content (rendering and non-rendering) applicable to different classes of devices (See Leamon, paragraphs 0019-0021). Even though the content provided by the provider is transformed into a standard markup language, as disclosed by Leamon, it is inherent that a non-rendering process exist within the provider of the content in order to first

identify the specific device type requested for which the content is to be formatted, for the purpose of addressing the disparity of the devices and to determine the rendering capabilities of the devices with respect to the content to be transformed (for example, devices such as electronic pagers and facsimile machines will have different rendering capabilities than a browser on a desktop computer or a cell phone device).

Appellant argues on Pages 10-13 of the Brief that Leamon fails to expressly or inherently disclose aggregating content from multiple channels. The Office respectfully disagrees. The instant specification states that an aggregator can send an AML document to a rendering engine for conversion to a device-specific markup (See Instant Specification, Page 11, 2nd paragraph). Leamon discloses "aggregating information retrieved from multiple channels, which are a mix of both rendering and non-rendering channels" in that only the content received that was not in a standard markup language format would be reformatted to a standard markup language format before it is customized for a particular device (See Leamon, Figures 2 and 4-7, and paragraphs 0019-0021 and 0025-0029).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

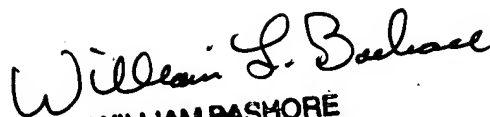
Respectfully submitted,

Laurie Ries



Conferees:

William Bashore



**WILLIAM BASHORE
PRIMARY EXAMINER**



Heather Herndon



Stephen Hong